

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

ANDREW MCGUIRE,

Defendant.

NO. 14CR-107RSL

ORDER CONTINUING TRIAL DATE  
AND PRETRIAL MOTIONS DUE DATE

THIS MATTER having come before the Court on the stipulated motion filed by the United States and Defendant Andrew McGuire for an order continuing the trial date and motions deadline in the above-captioned matter, and the Court having considered the motion, any other pleadings filed, and the waivers of Speedy Trial filed by the defendant, the Court now finds and rules as follows:

Defendant was Indicted on April 10, 2014. He had his initial appearance and arraignment on April 23, 2014. Trial was scheduled that date June 30, 2014 with a motions deadline scheduled for May 14, 2014. This matter has not previously been continued.

Under the Speedy Trial Act, the trial of a defendant shall commence within 70 days from the date that an indictment is made public, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs. Certain periods of delay are excludable from the Speedy Trial

1 calculation. See 18 U.S.C. § 3161(h). In particular, any period of delay resulting from a  
2 continuance is excludable if the Court makes a finding that the ends of justice served by  
3 the continuance outweigh the best interest of the public and the defendant in a speedy  
4 trial. 18 U.S.C. § 3161(h)(7)(A). The factors, among others, which a judge shall  
5 consider in determining whether to grant a continuance pursuant to 18 U.S.C. §  
6 3161(h)(7)(A) are set forth in § 3161(h)(7)(B)(i)-(iv).

7 In deciding whether to continue this matter, the Court has concluded that the  
8 parties are acting diligently. As noted in the stipulated motion seeking the continuance,  
9 the United States has provided voluminous discovery consisting of over 500 pages of  
10 state and federal law enforcement reports and a like amount of pleadings. Additionally,  
11 counsel advises that considerable electronic discovery has been provided consisting of  
12 photos, various audio recordings, and electronic tracking results obtained over the course  
13 of the investigation.

14 Counsel advises that additional time is necessary for review of the materials, to  
15 finalize their own investigation, confer with the defendant and finish trial preparation.  
16 Counsel additionally advise that defense counsel believes there are novel legal issues in  
17 developing law that will require further extensive defense preparation of a potentially  
18 dispositive suppression motion. The additional time is necessary in order to provide  
19 effective representation to the Defendant and accomplish the above which could not be  
20 accomplished in the period presently allotted for trial under the Speedy Trial Act.

21 In light of the voluminous discovery detailed above, and counsel's need for  
22 additional time to conclude preparation, the Court finds that failure to grant the requested  
23 continuance would deny the defendant reasonable time necessary for effective  
24 preparation, taking into account the exercise of due diligence. 18 U.S.C. §  
25 3161(h)(7)(B)(i), (iv). Therefore, the Court finds that the ends of justice served by the  
26 granting of the requested continuance outweigh the best interest of the public and the  
27 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

Therefore, it is hereby ORDERED that the stipulated motion is GRANTED. It is further ORDERED that the trial in this matter shall commence on August 4, 2014. Pretrial motions are due on or before June 25, 2014.

It is further ORDERED that this period of delay from the date of this order through the new trial date above will be excludable time under the Speedy Trial Act under Title 18, United States Code, Section 3161(h)(7)(A).

Dated this 15th day of May, 2014.

Mr S Casnik

Robert S. Lasnik  
United States District Judge

Respectfully submitted,

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